

Exhibit D

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CORNEL WEST, *et al.*,

Plaintiffs,

v.

PENNSYLVANIA DEPARTMENT OF
STATE, *et al.*,

Defendants.

No. 24-cv-1349

Judge Nicholas Ranjan

**DECLARATION OF JONATHAN MARKS IN SUPPORT OF
DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

I, Jonathan Marks, declare under the penalty of perjury pursuant to 18
Pa.C.S. § 4902 that:

1. I am Deputy Secretary for Elections and Commissions for the Department of State (the "Department") of the Commonwealth of Pennsylvania. I have held this position since February 2019, and served in the Department in other roles since 2002. Prior to serving as Deputy Secretary, I served as Commissioner for the Bureau of Commissions, Elections and Legislation, and before that, the Division Chief for the Statewide Uniform Registry of Electors (SURE). I have worked at the Department since 1993 and been involved with the Department's election-related responsibilities since 2002.

2. As part of my duties, I supervise and manage the implementation and maintenance of technology related to the SURE System, used by the Department and the county boards of election to record and track the mail ballot process (encompassing mail-in and absentee ballots). The Department also works closely with the 67 county election boards and other stakeholders to develop and implement projects and procedures impacting election operations in the Commonwealth.

3. I submit this Declaration in support of Defendants' opposition to plaintiffs' request for a preliminary injunction filed in this matter. Given my role and experience at the Department, I am personally knowledgeable about the matters referenced in this Declaration and the business records of the Department. I have also consulted with colleagues about certain matters referenced in this Declaration. If called as a witness, I could and would testify competently to the matters set forth below.

4. As of October 1, 2024, 1,452,640 of Pennsylvania registered voters have applied for mail ballots.

5. Additional applications will be received through the mail ballot application deadline on October 29, 2024, causing this figure to grow.

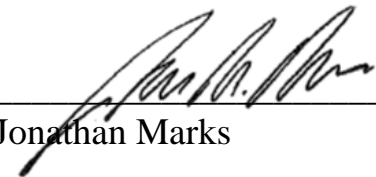
6. As of October 1, 2024, the county boards of election have mailed 717,968 mail ballots, which ballots are currently in the mail stream; more of these are delivered to voters every day.

7. As of October 1, 2024, 22,739 mail ballots have been returned by voters.

8. These figures reflect data logged by the county boards of election in the SURE system and intelligent mail barcode (IMB) data collected by the United States Postal Service and mail house vendors, reported to the Department and the county boards of election.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 1, 2024.



Jonathan Marks